

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

VICTOR SANTACRUZ, LUIS  
SANTACRUZ, CIRILO MANCINAS  
LOPEZ, RAYMUNDO MARTINEZ,  
LUCIA GARCIA, and WILLIAM  
ALCANTAR,

## Plaintiffs,

SOUTHBANK DAIRIES, LLC, a  
Washington Limited Liability Company,  
and JERRY D. FOSTER, an individual,

## Defendants.

CASE NO. C16-5200 RJB

ORDER ON PLEADING  
ENTITLED STIPULATION AND  
PROPOSED ORDER  
REGARDING DISCOVERY  
DEADLINE AND TO TAKE  
DEPOSITION

This matter comes before the Court on a pleading filed January 27, 2017 entitled

**“Stipulation and Proposed Order Regarding Discovery Deadline and to Take Deposition.” Dkt.**

53. The Court has considered the pleading, the remaining record, and is fully advised.

Filed March 16, 2016, this case arises from Plaintiffs' employment at Defendants' dairy

farm. Dkt. 1. In their First Amended Complaint, Plaintiffs assert that they did not receive all

ORDER ON PLEADING ENTITLED  
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1 wages due, suffered uncompensated physical injuries, and experienced racial discrimination.  
2 Dkt. 26. Plaintiffs make claims under the Fair Labor Standards Act, 29 U.S.C. 206, *et seq.*, the  
3 Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. § 1802 *et seq.*, and make  
4 state law claims under Washington's wage and hours laws, for discrimination in violation of  
5 Washington's Law Against Discrimination, RCW 49.60, *et seq.*, for breach of contract, and for  
6 fraudulent concealment. *Id.* Plaintiffs' "deliberate intent to injure/personal injury" claims were  
7 dismissed. Dkt. 33.

8 **FACTS**

9 On November 30, 2016, Defendants' counsel filed a motion to withdraw as attorneys of  
10 record for the Defendants. Dkt. 44. Counsel notified the Defendants of the need to comply with  
11 Local Rule W.D. Wash. 83.2(b)(3). *Id.* The motion was noted for December 16, 2016. *Id.*

12 That same day, on November 30, 2016, Defendant Southbank Dairies, LLC was also  
13 notified by the Court that pursuant to Local Rule W.D. Wash. 83.2(b)(3), it must be represented  
14 by counsel. Dkt. 46. Defendant Southbank Dairies, LLC was cautioned that it must retain  
15 counsel or risk an entry of default against it as to Plaintiffs' claims. *Id.* It was given until  
16 **December 16, 2016** to secure counsel and notified that "failure to do so may result in an entry of  
17 default against Southbank Dairies, LLC."

18 Defendants' counsels' motion to withdraw was granted on December 19, 2016. Dkt. 47

19 To date, no attorney has appeared for Defendant Southbank Dairies, LLC.

20 On January 27, 2017, the pleading entitled "Stipulation and Proposed Order Regarding  
21 Discovery Deadline and to take Deposition" was filed. Dkt. 53. This pleading was filed on  
22 behalf of Plaintiffs, through counsel. *Id.* It also purports to be filed by "Defendants Southbank  
23 Dairies, LLC and Jerry D. Foster . . . by and through their undersigned representative." *Id.*

1 Defendant Foster signed this pleading. *Id.* This pleading requests an extension of time of the  
2 discovery deadline to February 21, 2017 for the limited purpose of taking the deposition of Judy  
3 Stratton and the Fed. R. Civ. P. 30(b)(6) deposition of Southbank Dairies, LLC. *Id.*

4 **DISCUSSION**

5 Local Rule W.D. Wash. 83.2(b)(3) provides:

6 A business entity, except a sole proprietorship, must be represented by counsel. If  
7 the attorney for a business entity, except a sole proprietorship, is seeking to  
withdraw, the attorney shall certify to the court that he or she has advised the  
8 business entity that it is required by law to be represented by an attorney admitted  
to practice before this court and that failure to obtain a replacement attorney by  
9 the date the withdrawal is effective may result in the dismissal of the business  
entity's claims for failure to prosecute and/or entry of default against the business  
entity as to any claims of other parties.

10  
11 No motion for default has been filed against Southbank Dairies, LLC, so it is still an  
12 active defendant in this matter. To date, however, Southbank Dairies, LLC has not retained  
13 counsel. Defendant Foster is not an attorney admitted to practice before this court. Accordingly,  
14 Defendant Foster cannot represent Southbank Dairies, LLC in any way in this case, including  
15 attempting to file pleadings on its behalf.

16 As a result, the January 27, 2017 pleading (Dkt. 53) shall be construed as a motion for  
17 extension of time between Plaintiffs and Defendant Foster. (It is not a stipulation because not all  
18 parties have endorsed it.) They should be given their extension of the discovery deadline from  
19 January 30, 2017 to February 21, 2017. All other deadlines remain in place.

20 **ORDER**

21 It is **ORDERED** that:

22 • Plaintiffs' and Defendant Foster's motion for an extension of the discovery deadline to  
23 February 21, 2017 (Dkt. 53) **IS GRANTED**.

1 The Clerk is directed to send uncertified copies of this Order to all counsel of record and  
2 to any party appearing *pro se* at said party's last known address.

3 Dated this 2<sup>nd</sup> day of February, 2017.

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6 ROBERT J. BRYAN  
United States District Judge